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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,182	12/15/2003	Barbara L. Isenberg	03321-P0008A	4376
24126	7590	04/20/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			CEGIELNIK, URSZULA M	
			ART UNIT	PAPER NUMBER
			3712	
DATE MAILED: 04/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,182

Applicant(s)

ISENBERG, BARBARA L.

Examiner

Urszula M Cegielnik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gates.

Gates discloses a toy comprising at least one cutout having an at least partially printed surface (col. 4, lines 58-61), said printed surface at least partially covered by an at least semi-transparent sticky layer (col. 4, lines 58-61) for releasably adhering accessories (14,16,18,20), wherein said sticky layer is washable (the flock 24 is inherently washable) such that when washed and allowed to dry, said sticky layer (flock 24) substantially returns to an initial stickiness; said cutout is a figure (col. 4, line 21, i.e. a paper doll) and said printed surface (col. 4, lines 58-61) displays an image of said figure; said printed surface is completely covered by said sticky layer (see Figures 1 and 2, for example); portions of said printed surface are covered by said sticky layer (24); a multiplicity of cutouts (12,14,15,18,20); said accessories (14,15,18,20) relate to said printed surface; said accessories (14,16,18,20) relate to a common theme; a cutout having an at least partially printed surface, said printed surface completely covered by an at least semi-transparent sticky layer (col. 4, lines 58-61) for

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releasably adhering accessories (14,16,18,20) related to said printed surface, wherein said sticky layer is washable (the flock 24 is inherently washable) such that when washed and allowed to dry, said sticky layer substantially returns to an initial stickiness; said cutout is a figure (col. 4, line 21, i.e. a paper doll) and said printed surface depicts an image of said figure (the image of a doll); said accessories (14,16,18,20) relate to a common theme; a cutout having a surface at least partially covered by an at least semi-transparent sticky layer (col. 4, lines 58-61) for releasably adhering accessories, wherein said sticky layer is washable (the flock 24 is inherently washable) such that when washed and allowed to dry, said sticky layer substantially returns to an initial stickiness; said surface is at least partially printed (col. 4, lines 58-61); said accessories (14,16,18,20) relate to said printed surface; said accessories relate to a common theme. A book comprising at least one cutout having an at least partially printed surface, said printed surface at least partially covered by an at least semi-transparent sticky layer (24) for releasably adhering accessories (14,16,18,20) wherein said sticky layer is washable (the flock 24 is inherently washable) such that when washed and allowed to dry, said sticky layer substantially returns to an initial stickiness; said accessories (14,16,18,20) relate to a common theme; said accessories (14,16,18,20) relate to said printed surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates in view of McCarn.

Gates discloses the claimed invention except for the figure being a teddy bear.

McCarn discloses a figure in the form of a teddy bear.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a figure in the shape of a teddy bear as taught by McCarn, since such a modification would provide aesthetic appeal for the toy.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates in view of Nachbar.

Gates discloses the claimed invention except for the substrate being in the form of a book.

Nachbar discloses a plurality of toy sheet accessories in a book format for play.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the substrate in the form of a book as taught by Nachbar, since such a modification would permit an alternate substrate to be used for support of cutouts.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates in view of Smith.

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Gates discloses the claimed invention except for the substrate being in the form of an activity board.

Smith discloses an activity board with a plurality of figures and associated accessories.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the substrate in the form of an activity board as taught by Smith, since such a modification would permit an alternate substrate to be used for support of cutouts.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. **The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700